

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GAME ON VENTURES,

Plaintiff,

-vs-

GENERAL RV CENTER, INC.,

Defendant.

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Case No. 08-12052

Hon: AVERN COHN

**ORDER DENYING COSTS**

This is a contract dispute tried to a jury. On April 09, 2009, the jury found that contrary to the plaintiff's view, the motor home which was the subject of the contract conformed to its terms. Judgment was therefore entered in favor of defendant. On May 08, 2008, the Clerk taxed costs in favor of defendant in the amount of \$1,560.45, as follows:

Fees of the Clerk	\$ 370.00
Court Reporter Fees	836.75
Witness Fees	<u>353.70</u>
	\$1,560.45

Defendant has attached to the Bill of Costs invoices, etc., supporting the amounts.

Plaintiff objects to taxing costs in favor of defendant for a variety of reasons, which need not be detailed here.

Fed. R. Civ. P. 54(d) provides that the prevailing party shall be allowed to recover its costs unless the court directs otherwise. Costs that may be taxed are specified in 28 U.S.C. § 1920.

The “unless the court directs otherwise” provision gives a degree of discretion to the district court as to whether or not the prevailing party is entitled to its costs where “the legal issue in dispute is close and difficult,” *All State Ins. Co. v. Mich. Carpenters’ Council Health & Welfare Fund*, 760 F. Supp. 655 (E.D. Mich. 1991), and denial of costs is appropriate. *White & White, Inc. v. Am. Hosp. Supply Corp.*, 786 F.2d 730 (6th Cir. 1986). This is such a case.

An award of costs in this case is DENIED.

Dated: May 22, 2009

s/ Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, May 22, 2009, by electronic and/or ordinary mail.

s/ Julie Owens  
Case Manager, (313) 234-5160